

ORDINANCE NO. 2182

AN ORDINANCE OF THE CITY OF FREMONT AMENDING TITLE VII (BUILDING REGULATIONS) OF THE FREMONT MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 9, REGULATING POST-DISASTER REPAIR AND RECONSTRUCTION

The City Council of the City of Fremont does ordain as follows:

Section 1:

Title VII (Building Regulations) of the Fremont Municipal Code is hereby
amended by the addition of Chapter 9 to read as follows:

Chapter 9 POST-DISASTER REPAIR AND RECONSTRUCTION

Sec. 7-9100. Title.

This chapter shall be known as the "Post-Disaster Repair and Reconstruction Ordinance".

Sec. 7-9105. Intent.

This chapter establishes standards and regulations for the expeditious repair and reconstruction of damaged structures which were damaged, destroyed or caused to be demolished as a result of an event as defined in this chapter. This chapter does not allow exemptions from current locally-adopted codes and regulations and the California Code of Regulations (C.C.R.), Title 24 or any other laws and regulations.

Sec. 7-9110. Application of Provisions.

The provisions of this chapter are applicable to all structures and building sites regulated by the City of Fremont affected by an event as defined in this chapter.

Sec. 7-9115. Definitions.

For the purposes of this chapter, the following definitions apply:

- (a) Architect is an individual licensed by the State of California to practice architecture as defined in the State of California Business and Professions Code.**
- (b) Civil engineer means an individual registered by the State of California to practice civil engineering as defined in the State of California Business and Professions Code.**
- (c) Current code shall mean the edition of the California Building Standards Code, published by the International Conference of Building Officials, as adopted by the City of Fremont pursuant to Section 18941.5 of the State of California Health and Safety Code. The edition to be applied shall be that edition in effect at the time of the declaration of a local emergency by the City Council.**
- (d) Engineering evaluation means an evaluation of a suspected damaged building or structure, performed under the direction of a structural engineer, civil engineer or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with an appropriate estimate of the construction cost for those repairs.**
- (e) Essential Service Facility shall mean those buildings or structures which have been designated by the City Council to house facilities which are necessary for emergency operations subsequent to an event.**
- (f) Event shall have the meaning defined in Section 7-8115(a) of this code.**
- (g) Historic building or structure shall have the meaning defined in Section 7-8115(b) of this code.**
- (h) Replacement value is the dollar value, as determined by the building official based upon the current Master Fee Resolution, Building Permit Fees section, adopted by the City of Fremont, of replacing the damaged structure with a new structure of the same size, construction material and occupancy on the same site.**
- (i) Structural engineer is an individual registered by the State of California to practice civil engineering and to use the title, Structural Engineer, as defined in the State of California Business and Professions Code.**
- (j) Value of repair is the dollar value, as determined by the building official, of making the necessary repairs to the damaged structure.**

Sec. 7-9120. Repair Criteria.

- (a) All repairs and alteration shall comply with the then current code.**

(b) Buildings and structures of all types which have been damaged as a result of an event, except as otherwise noted, shall be repaired in accordance with the following criteria:

- (1) When the estimated value of repair does not exceed ten percent (10%) of the replacement value of the structure, the damaged portion(s) may be restored to their pre-disaster condition.
 - (a) Exception: Regardless of the estimated value of repair, damaged suspended ceiling systems and bracing contained in such ceiling systems must be repaired, replaced and installed in conformity with the requirements of the current code.****
- (2) When the estimated value of repair is greater than ten percent (10%) but less than fifty percent (50%) of the replacement value of the structure, the damaged elements, as well as all critical ties and supporting elements associated with the damaged elements, shall be repaired and/or brought into conformance with the structural requirements of the current code. The design load level for the damaged structure shall be established based upon then current design practice and as deemed reasonable by the building official.**
- (3) When the estimated value of repair is fifty percent (50%) or more of the replacement value of the structure, the structural system of the entire building shall be re-evaluated by a registered civil engineer. The civil engineer shall identify structural elements, assemblies and subassemblies that are not in conformance with the current code and have caused or contributed to damage during the event. All the damaged elements, as well as all critical ties and supporting elements associated with the damaged elements, shall be repaired and/or brought into conformance with the structural requirements of the current code. All the undamaged but nonconforming elements that have contributed to the susceptibility of the building to damage during the event shall be retrofitted to a standard deemed reasonable by the building official.**
- (4) In Group R, Division 3 occupancies, the repair value of damaged chimneys shall be excluded from the computation of percentage of replacement value.**
- (5) The repair value of damaged electrical, mechanical and plumbing elements shall be excluded from the computation of the percentage of replacement value. This exemption shall not apply to the valuation of essential buildings.**

Sec. 7-9125. Repair Criteria for Essential Services Facilities.

(a) Buildings or structures housing essential service facilities (described in Section 7-9115(e)) which have been damaged as a result of an event shall have an engineering evaluation performed.

(b) Minimum criteria for repair shall be as follows:

(1) When the estimated value of repair contained in the engineering evaluation is less than thirty percent (30%) of the replacement value of the structure, the damaged elements, as well as all critical ties and supporting elements associated with the damaged elements, shall be repaired and/or brought into conformance with the structural requirements of the current code. The design load level for the damaged structure shall be established based upon then current design practice and as deemed reasonable by the building official.

(2) When the estimated value of repair contained in the engineering evaluation is thirty percent (30%) or more than the replacement value of the structure, the structural system of the entire building shall be re-evaluated by a registered civil engineer. The civil engineer shall identify structural elements, assemblies and subassemblies that are not in conformance with the current codes and have caused or contributed to damage during the event. All the damaged elements, as well as all critical ties and supporting elements associated with the damaged elements, shall be repaired and/or brought into conformance with the structural requirements of the current code. All the undamaged but nonconforming elements that have contributed to the susceptibility of the building to damage during the event shall be retrofitted to a standard deemed reasonable by the building official.

Sec. 7-9130. Repair Criteria for Historic Buildings or Structures.

(a) Historic structures which have been damaged as a result of an event shall have an engineering evaluation performed.

(b) The minimum criteria for repair shall be as included in Section 7-9120, Repair Criteria, with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code of Regulations, the State of California Historic Building Code, shall apply.

(c) Where conflicts exist between the standards contained herein and the State of California Historic Building Code, the Historic Building Code shall govern.

Sec. 7-9135. Repair Criteria for Unreinforced Masonry Buildings and Structures.

The repair criteria and standards for unreinforced masonry buildings shall comply with the then current Unreinforced Masonry Building Retrofit Ordinance, Chapter 6, Title VII of this code.

Sec. 7-9140. Building Replacement Requirements.

Buildings or structures which, as a result of an event, have been destroyed, or have been ordered or caused to be demolished as a threat to public health and safety, or have been damaged to a point where the owner has elected to demolish rather than repair them may be reconstructed on the same lot pursuant to the zoning and subdivision regulations in effect at the time of the building permit application for the reconstruction as provided in Article 23, Chapter 2, Title VIII of this code.

Section 2:

This ordinance shall be published once in *The Argus*, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Fremont, within 15 days from and after its adoption and shall take effect and be enforced 30 days after adoption.

The foregoing ordinance was duly introduced before the City Council of the City of Fremont, County of Alameda, at the meeting of the City Council of such City, held on the 4th day of June 1996, and finally adopted at a regular meeting of said Council held on the 18th day of June 1996, by the following vote, to wit:

AYES: Mayor Morrison, Councilmembers Dutra, Wasserman, Zager, and Zlatnik

NOES: None

ABSTAIN: None

ABSENT: None

GUS MORRISON

Mayor

ATTEST:

BARBARA HOWARD
City Clerk

APPROVED AS TO FORM:

JAMES E. GONZALES
Sr. Deputy City Attorney